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PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional)			
		33082			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>10/21/04</u>		In re Application of <u>Toshiyasu Kitamura et al.</u> <table border="1"> <tr> <td>Application Number <u>09/696,358</u></td> <td>Filed <u>10/25/2000</u></td> </tr> </table> For Keybutton Illuminating Device...		Application Number <u>09/696,358</u>	Filed <u>10/25/2000</u>
Application Number <u>09/696,358</u>	Filed <u>10/25/2000</u>				
Signature		Art Unit <u>2682</u> Examiner <u>Yuwen Pan</u>			
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 340.00</u></p> <p> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ </u> </p> <p> <input checked="" type="checkbox"/> A check in the amount of the fee is enclosed. </p> <p> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. </p> <p> <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. </p> <p> <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>16-0820</u>. I have enclosed a duplicate copy of this sheet. </p> <p> <input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. </p>					
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) </p> <p> <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44682</u> </p> <p> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. </p>					
<p> <u>Aaron A. Fishman</u> Typed or printed name</p> <p><u>216-579-1700</u> Telephone number</p> <p><u>October 21, 2004</u> Date</p>					
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>					
<p><input type="checkbox"/> *Total of <u> </u> forms are submitted.</p>					

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10/27/2004 FMETEKI1 00000017 09696358

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/696,358
Applicant : Toshiyasu Kitamura et al.
Filed : October 25, 2000
Title : KEYBUTTON ILLUMINATING DEVICE AND WIRELESS
COMMUNICATION TERMINAL APPARATUS EQUIPPED WITH
THE SAME

Conf. No. : 4607
TC/A.U. : 2682
Examiner : Yuwen Pan

Customer No. : 000,116
Docket No. : 33082

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Applicants have not received notice that the Amendment "D" dated September 16, 2004 responding the final Office Action of April 21, 2004 has been entered or allowed. Therefore, applicants enclose herewith a Notice of Appeal to maintain the pendency of this application. The required fee of \$340.00 under 37 CFR 41.20(b)(1) is enclosed.

Please note that Applicants previously obtained a two month extension of time, bringing the response date up to September 21, 2004. Applicant respectfully requests and petition for an addition one month extension of time, up to and including October 21, 2004. The additional fee of \$550.00 is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

10/27/2004 FMETEK11 00000017 09696358
01 FC:1253

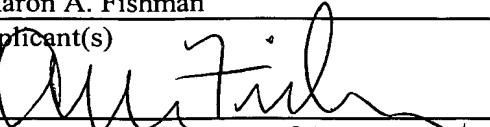
550.00 OP

Aaron A. Fishman

Name of Attorney for Applicant(s)

October 21, 2004

Date

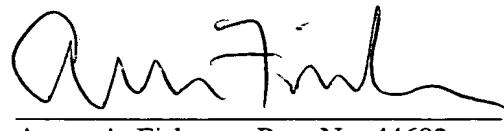

Signature of Attorney

If there are any further fees required by this communication which are not covered by an enclosed check, please charge such fees to our Deposit Account No. 16-0820, Order No. 33082.

Respectfully submitted,

PEARNE & GORDON LLP

By:



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October 21, 2004